

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRIAN A. JEREMIAH,

Plaintiff,

Civ. No. 2:17-cv-1612-MK

v.

ORDER

MARK NOOTH, et al.,

Defendants.

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MCSHANE, Judge:

Magistrate Judge Mustafa Kasubhai filed a Findings and Recommendation (ECF No. 131), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981). I find no error and conclude the report is correct.

Magistrate Judge Kasubhai's Findings and Recommendation (ECF No. 131) is adopted.

Defendants' motion for summary judgment is GRANTED in part as stated in the report.

Defendants' motion is DENIED with respect to Claim II alleging First Amendment retaliation against Officer McNitt based on the misconduct report of December 28, 2015.

The deadline to consent to Magistrate Judge Kasubhai trying this matter is August 14, 2020. With full consent, the case will remain with Judge Kasubhai for trial. If any party does not consent, the case will be reassigned to Judge McShane for trial.

IT IS SO ORDERED.

DATED this 18th day of June, 2020.

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/s/ Michael J. McShane  
Michael McShane  
United States District Judge